

REMARKS

Claims 1-23 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Claim Rejections – 35 USC § 102

The Patent Office rejected claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Gasparik. (U.S. Patent No. 6,483,354). Applicant respectfully traverses the rejections of the claims.

35 U.S.C. § 102(e) provides that

A person shall be entitled to a patent unless . . . the invention was described in . . . a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.

35 U.S.C. § 102(e) (emphasis added). The present application and the cited reference both name the same inventive entity, Frank Gasparik. Consequently, as provided by MPEP § 2136.04, Gasparik (U.S. Patent No. 6,483,354), is not prior art to the present application under 35 U.S.C. § 102(e).

Accordingly, it is respectfully submitted that *prima facie* anticipation of claims 1-23 has not been established under 35 U.S.C. § 102(e) in accordance with MPEP § 2136.04. Withdrawal of the rejections of claims 1-23 is therefore respectfully requested.

Art Made of Record Not Relied On

Applicants will not burden the record with a discussion of art not specifically applied to the claims.

CONCLUSION

The application is respectfully submitted to be in condition for allowance of all claims. Accordingly, notification to that effect is earnestly solicited.

Respectfully submitted,
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